

resources likely needed to respond to a disaster. The Conference substitute also requires the Administrator of FEMA to distribute standards and detailed written guidance to Federal, State, local, and tribal governments that may be used by such governments to credential and type incident management personnel, emergency response providers, and other personnel (including temporary personnel) and other resources likely needed to respond to disasters.

Section 409. Model standards and guidelines for critical infrastructure workers

There is no comparable House provision.

Section 1002 of the Senate bill requires FEMA, working with Federal, State, local, and tribal governments, and the private-sector to establish model standards and guidelines for credentialing critical infrastructure workers that may be used by a State to credential critical infrastructure workers that may respond to disasters.

The Conference substitute adopts the Senate language with minor modifications. The Conference notes that responsibility and authority for access of critical infrastructure workers to disaster sites generally resides with State and local governments, except in limited circumstances, and that this section does not alter those responsibilities and authorities.

Section 410. Authorization of appropriations

There is no comparable House provision.

Section 1002 of the Senate bill authorizes the appropriation of such sums as necessary to carry out the section.

The Conference substitute adopts the Senate language with minor modifications.

TITLE V—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

Section 501. Homeland security information sharing

Section 723 of the House bill includes several provisions to improve homeland security information sharing. Among other things, it directs the Secretary of Homeland Security (the Secretary), acting through the Under Secretary for Intelligence and Analysis, to establish a comprehensive information technology network architecture for the Department of Homeland Security's (the Department or DHS) Office of Intelligence and Analysis; requires the Secretary to submit an implementation plan and progress report to Congress in order to monitor the development of that architecture; and encourages its developers to adopt the functions, methods, policies, and network qualities recommended by the Markle Foundation.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with modifications. It deletes the reference to an implementation plan for the comprehensive information technology network architecture and instead includes new text to reflect the purpose of that architecture: to connect the various databases and related information technology assets of the Office of Intelligence and Analysis and the intelligence components of the Department in order to promote internal information sharing within the Department. The Conference substitute likewise deletes references to the Markle Foundation. The Conference nevertheless concurs that the architecture in question should, to the extent possible, incorporate the approaches, features, and functions of the information sharing network proposed by the Markle Foundation in reports issued in October 2002 and December 2003, known as the System-wide Homeland Security Analysis and Resource Exchange (SHARE) Network.

The Conference substitute also directs the Secretary to designate "Information Sharing and Knowledge Management Officers" within each intelligence component to coordinate information sharing efforts and assist the Secretary with the development of feedback mechanisms to State, local, tribal, and private sector entities. The Conference concurs that the Department's outreach to State, local, and tribal intelligence and law enforcement officials has been haphazard and often accompanied by less than timely results. While it can point to many successful examples of coordination and collaboration with State, local, tribal, and private sector officials, the Office of Intelligence and Analysis must increase its involvement with them and appropriately incorporate their non-Federal information into the Department's intelligence products. In addition, it is essential that the Department provide feedback to these non-Federal partners—both to encourage their contributions going forward and to provide helpful guidance for future contributions. The information sharing and knowledge management officers under this section should play a key role in helping to address these gaps.

Section 502. Intelligence component defined

Section 723 of the House bill defines "intelligence component of the Department" as "any directorate, agency, or element of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information" except: (1) "a directorate, agency, or element of the Department that is required to be maintained as a distinct entity" under the Homeland Security Act of 2002 (6 U.S.C. 101); and (2) "any personnel security, physical security, document security, or communications security program within any directorate, agency, or element of the Department."

Although Section 111 of the Senate bill includes a similar definition for "intelligence component of the Department," it does not include either of the two exceptions enumerated by the House provision.

The Conference substitute adopts the House provision, with modifications. In order to capture all of the intelligence information being gathered, received, analyzed, produced, or disseminated that might qualify an element or entity of the Department as an "intelligence component," the Conference has chosen to refer to that universe of information as "intelligence information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence * * *". This phrase appears numerous times throughout the Conference substitute.

The Conference is aware that the Conference substitute defines "terrorism information" to include "weapons of mass destruction information" in section 504 of the Conference substitute. The Conference, nevertheless, has included both terms when describing "intelligence information within the scope of the information sharing environment" for illustrative purposes. This phrase should not be interpreted to give the term "weapons of mass destruction information" any meaning other than the definition for it provided in section 504 of the Conference substitute.

The Conference substitute establishes the position of Under Secretary for Intelligence and Analysis to replace the Assistant Secretary for Information Analysis, commonly known as the Department's Chief Intelligence Officer. The Under Secretary shall also serve as the Department's Chief Intelligence Officer. Through the Secretary, the Under Secretary shall be given new respon-

sibilities, in addition to those of the Assistant Secretary for Information Analysis, in order to drive a common intelligence mission at the Department that involves the full participation of the Department's intelligence components.

The Conference substitute carves out the United States Secret Service from the definition of "intelligence component of the Department" entirely. Subsection (b) nevertheless would require that the Secret Service share all homeland security information, terrorism information, weapons of mass destruction information, national intelligence, or suspect information obtained in criminal investigations with the Under Secretary for Intelligence and Analysis. In addition, the United States Secret Service will cooperate with the Under Secretary concerning information sharing and information technology activities outlined in sections 204 and 205 of the Homeland Security Act of 2002. The Conference also expects that the Secret Service will provide training and guidance to its employees, officials, and senior executives in a manner that is comparable to the training provided to intelligence component personnel under section 208 of the Homeland Security Act of 2002.

The Conference intends that the United States Secret Service should participate to the fullest extent in the integration and management of the intelligence enterprise of the Department. Given unique operational equities of the United States Secret Service, however, the Conference does not believe that it is appropriate to specifically identify the United States Secret Service as an "intelligence component" of the Department. The provision also clarifies that nothing in this Act interferes with the position of the United States Secret Service as a "distinct entity" within the Department.

Subsection (b) carves out the Coast Guard from the definition of "intelligence component of the Department" when it is engaged in certain activities or acting under or pursuant to particular authorities. The Conference concurs that nothing in this section shall provide the Under Secretary for Intelligence and Analysis with operational or other tasking authority over the Coast Guard. The Conference nevertheless believes that the Coast Guard should collaborate and participate in the intelligence enterprise of the Department of Homeland Security.

Section 503. Role of intelligence components, training, and information sharing

Section 742 of the House bill delineates several key responsibilities for the head of each intelligence component of the Department regarding support for, and coordination and cooperation with, the Under Secretary for Intelligence and Analysis in the areas of acquisition, analysis, and dissemination of homeland security information; performance appraisals, bonus or award recommendations, pay adjustments, and other forms of commendation; recruitment and selection of intelligence officials of intelligence components detailed to the Office of Intelligence and Analysis; reorganization and restructuring of intelligence components; and program and policy compliance.

Section 114 of the Senate bill, in turn, establishes information sharing incentives for employees and officers across the Federal Government by providing the President and agency heads with the discretion to consider, when making cash awards for outstanding performance, an employee's or officer's success in sharing information within the scope of the information sharing environment (ISE) described in Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485). It also requires agency and department heads to adopt best